

# Quid Novi



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Volume XIV, No. 2

McGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITÉ MCGILL FACULTÉ DE DROIT

September 20, 1993  
le 20 septembre, 1993

## VOTRE QUID A REPRIS SES ACTIVITÉS YOUR QUID IS OPEN FOR BUSINESS

By Jay Sinha  
Editor-in-chief

It is well documented that 17 April 1982 went down in history as a day of social, political and legal transition for Canada. On this day was enacted the *Constitution Act 1982*, an integral part of which was the *Canadian Charter of Rights and Freedoms*. It is not well documented that almost two weeks before this milestone there occurred another milestone of stunning significance to many ... er, some ... uh, well, a few people. On 5 April 1982 the McGill Law Student Newspaper - the *QUID NOVI* became a constitutional entity within the *Constitution of the Law Students Association of McGill University*.

As the new Editor-in-chief for the *QUID NOVI* I feel honoured and excited and accountable. Yes, accountable. The *QUID NOVI* is editorially independent of all other faculty and student organizations. This should not be taken as a threat or a foreboding forewarning but rather as an open opportunity to speak. While it is true that we may print whatever we please we are wholly accountable to you. Editorial censorship will become an issue only in extreme cases (defamation, unnecessary or unexplained vulgarity, blatant lies).

It is inevitable that some of the opinions expressed in the *QUID NOVI* will be those of myself and our Editorial Board. However, we are but a small part of the *QUID NOVI* mandate which is essentially to act as "a forum for the discussion of issues open to all persons who work and/or study at the Faculty of Law or have ever done so" (*QUID NOVI Constitution*).

Here is your opportunity to express opinions and/or respond to others opinions. Don't disgustedly toss the *QUID NOVI* in the garbage and say, "What a load of hogwash! Why would they even print that?!" No, no, no. Why is it hogwash? Tell us. Write it down and let us print it. Cater to a wider audience than those who happen to hear your disgust. Flaunt your opinions. Start a debate. Who knows, maybe you will find that the readers view your disgust as brilliant, insightful commentary. Of course there is always the possibility that you will be seen as the hogwash spouter. Either way, yourself and others will learn something. We welcome submissions from staff, students and faculty.

Feel free to write about anything. It does not have to do with law, it need only be written by you. Naturally, French and English submissions are equally welcome.

This week we begin a regular Editorial column which will canvass a wide range of issues over the year. The possibilities are endless and we are always open to new ideas - interviews, investigative journalism, politics, business, philosophy, sports, music, film, theatre, literature....

If you wish to get more involved in the *QUID NOVI* (editorials, layout production) leave us a note in the *QUID NOVI* box in the basement LSA office or call me anytime at 270 1589.

We would prefer that you type your submissions to the *QUID NOVI* on an IBM compatible computer and send them directly to us via the E-mail

(Continued on page 3)

### Inside This Issue Dans ce numéro

VOTRE QUID / YOUR QUID	p. 1
Annonces / Announcements	p. 2
NEW YORK UN TRIP	p. 2
EDITORIAL: Generation X ... or 2?	p. 3
The Thomas More Society	p. 3
How I Spent My Summer	p. 4
Aussie Update!	p. 4



# Annonces/Announcements

## LEGAL THEORY WORKSHOP

**Professor James Gordley**, School of Law, University of California, Berkeley  
Topic: "Myths of the French Civil Code" on Friday September 24, 1993 at 11:30 A.M. N.C.D.H., Room 202

Professor Gordley is a leading scholar in the areas of comparative private law and contract law, he is the co-editor (with Arthur T. Von Mehren) of *The Civil Law System* (2nd Ed., Boston, 1977) and author of *The Philosophical Origins of Modern Contract Doctrine* (Clarendon Press, Oxford, 1991).

## The Faculty of Law Placement Office Needs You!!!

The Placement Office carries a large up-to-date collection of recruiting materials from over 150 law firms in Montreal, Quebec City, Ottawa, Toronto and Vancouver.

The office has information on U.S. and overseas placement opportunities as well as a collection of legal directories for North America and the U.K. In addition the office has information on articling and admission guidelines for the largest bar associations and the Barreau du Québec, as well as articling and "stage" opportunities with federal and provincial governments and other "non-traditional" areas.

The Placement Office is student-run and requires 1-2 hours of your time per week to staff the office and make it available to students in the faculty. If you are interested please sign up at the Placement Office near U.S.O./S.A.O. or attend an informational session on Monday Sept. 20 at 12:30 in the Common Room.

Please note that the Placement Office also requires resource materials. If you have done research on placement opportunities in the U.S. or in the area of

environmental law or special interest and advocacy groups we would be pleased to take some of this off your hands. Also, if you had an interesting job last summer in a law-related area we ask that you drop by the Placement Office and fill out a Summer Placement Survey.

## Delta Theta Phi

Meeting for all interested in joining McGill's only professional legal association. Old and new members welcome. Wednesday, September 22 at 12:30 in Room 203. For more information call George at 398 9251. See you there!

## Undergraduate Studies Office (formerly the SAO)

Welcome to the new-look USO which incorporates Admissions and Student Affairs. We are there to answer all your usual and unusual queries and generally to help ease your way through law school. Changes made during the summer include:

**Lost and Found** is now located in the LSA office. The safe in the USO is, of course, available should an item of value be turned in.

**Student mail boxes** remain in the USO.

The **USO Notice Board** is now in the corridor around the corner from the office area.

We are hoping to use the student computer network as a notice board at some time in the future. USO will keep you posted via the *QUID* of progress in this matter.

You will find locker assignments posted on the bulletin board in the cafeteria.

USO still has papers unclaimed from last term. We will keep them until Friday 24 September, after which time they will be recycled.

**Financing Real Estate Transactions** with Mr. Carswell is cancelled. It will be offered in January 1994.

## THE MCGILL LAW JOURNAL / LA REVUE DE DROIT DE MCGILL

While you were away enjoying your summer, the **Law Journal** executive was hard at work producing Volume 38. Consequently, Volume 38(1) was published this summer and is currently available for pick-up. Volumes 38(2), 38(3) and 38(4) should be published during the fall term.

Nous invitons tous les étudiants et étudiantes de deuxième, troisième et quatrième année au 3661 bis, rue Peel (porte du côté) pour ramasser leur copie de la **Revue**. Tous ceux et celles qui désirent compléter leur abonnement pourront, par la même occasion, se procurer les numéros manquants. Second year students should receive Volume 38 in its entirety. Third year students are entitled to Volumes 37 and 38, while fourth year students should have received these two volumes and Volume 36.

Veuillez nous excuser pour le retard dans la publication du Volume 38. Au plaisir de vous rencontrer au 3661 bis, rue Peel.

## A Message from the LSA \*\*\*Thompson House\*\*\*

Just as a reminder to all law students, everyone is a member of Thompson House. Therefore, you can go there anytime and bring two guests if you want. They offer various activities, free movies and you can reserve rooms for special events. In addition, you can go there after class for a snack or a beer (the menu changes once in a while). Now that we are paying for Thompson House we might as well make the best use of it.

## MCGILL LSA NEW YORK TRIP TO THE UNITED NATIONS

By **Marian Tremblay**  
VP External

It is part of the mandate of the LSA to organize for you a trip to the United Nations in New York every year. This year we will be leaving on Thursday, September 30 at night and will return on Sunday, October 3 in the afternoon. The format of the trip will be very similar to that of last year as will be the program which was quite popular.

Program:

Sept. 30 Departure from Montreal (time T.B.A.)

Oct. 1 Morning

7 A.M. Arrival in New York at Belvedere Hotel (48th St. & 8th Ave.)

9:15 A.M. Tour of the U.N.

10:30 A.M. Briefing on international law

11:30 A.M. Briefing on human rights

Lunch

Afternoon

1:30 P.M. Briefing on the environment

2:30 P.M. Canadian Mission - conference with Howard Stauss (legal advisor), conference with Assistant Ambassador

Evening Free

Oct. 2 Free

Oct. 3 Departure (time T.B.A.)

The package includes two nights accommodation and the bus fare for \$119.

There are a limited number of seats available, so hurry and call:

Marian 398 6966 or 286 1329 (or drop by the LSA office) or Tanya 284 1368 (Voyages Campus)

Watch out for the booth in the pit in the middle of the week!

**Quid Novi** is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montréal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est pas publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur ou son origine.

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## EDITORIAL

### Generation X ... or Z?

Generation X. The label conjures up images of faceless, wandering, twentysomething students of life. They cannot relate to the youthful idealism of the sixties when the issues were fresh and overwhelming and the economy comparatively stable. One could be a radical activist for a while and still end up with a cushy office job and a home in the suburbs. They might like to latch onto the carefree materialism of the baby boomers but things have become so much more complicated than just buy, consume, buy again; the issues are back and demanding attention. Unsure of an identity and/or a purpose they let urban society and its equipment dictate their existence.

They thrive on sensationalism, it feeds the narcissistic tendencies. Their

search for pleasure is an individualistic, one-sided affair. The media realizes this and fills them with quick dry images of sense tingling phenomena. Pop culture is their culture. It is much more enticing than guidance from something like the nuclear family which shows signs of degeneracy (read high divorce rates).

The process is really a desensitization. War has always been a reality. Now it is an everyday reality that by no means produces, never mind demands, a sensitive response. One can watch Bosnia or Burma or South Africa on TV and become accustomed to it and then turn it off. This acclimatization is nurtured by what can be labelled as entertainment. A film like "Silence of the Lambs" produces comments like, "It was

very well made" or "I liked the tension it conveyed". Thus is physical and psychological destruction canonized for the purpose of temporary sensory stimulation.

Where will all this insensitivity lead? Will Generation X end up being Generation Z, the end? Highly unlikely. In fact, almost unthinkable. Gradual changes dot the history of the world. Nonetheless, is all of the above sounding grim? Yes. Pessimistic? Possibly. Hopeless? No. Generation Xers do possess resiliency and creativity. Passive absorption can be harmful but as long as some respond to their surroundings there is always hope.

## THE THOMAS MORE SOCIETY: ANOTHER DIMENSION TO THE STUDY OF LAW

Sir Thomas More fut un juriste de renommée dans l'Angleterre du XVI<sup>e</sup> siècle et un proche conseiller du Roi Henry VIII. Un homme de grande intelligence et de caractère noble, il s'opposa résolument aux divorces du Roi et au "Act of Supremacy" (par lequel Henry attaqua l'autorité du Pape et fonda l'Église Anglicane). À cause de sa résistance face à la volonté du Roi, Thomas More fut décapité en 1535.

A man of action and principle, Thomas stands as a model for all men and women who believe in the importance of the religious dimension in

the study of law. The Thomas More Society of McGill seeks to promote awareness of the moral and spiritual foundations of law, and also to provide a forum for students and faculty to discuss the study of law within a spiritual framework. The Society holds monthly meetings which are centered on one or two proposed readings. This year, the Society will explore a number of different issues (e.g. legal profession, human rights, private law, etc.), which will of course depend on the interests of the participants.

**Notre première réunion aura lieu mercredi, le 21 septembre 1993 à 12:30, dans la salle 203.** Deux brèves lectures sont proposées, soit J. Allegretti, "Christ and the Code: The Dilemma of the Christian Attorney" (1990) 34 Catholic Lawyer 131; et "Ethics of Care", un chapitre tiré de l'ouvrage de Thomas Shaffer, *On Being a Christian and a Lawyer*. Vous trouverez ces articles dans la boîte du Thomas More Society dans le bureau de l'Association des Étudiantes en Droit. A bientôt!

## VOTRE QUID /YOUR QUID

(Continued from page 1)

system hooked up in the computer room on the second floor of New Chancellor Day Hall (more on how this works in subsequent issues). If

this is not possible then just leave the submission typed, handwritten or on disk (which will be returned) in our box in the basement LSA office. Please include your name, year (if applicable) and phone number with your submission.

This year the weekly deadline for submissions will be 17:00 p.m.

each Monday. The deadline is important and will be adhered to. Anything submitted after the deadline will appear in the following issue. Exceptions will be made only by contacting me in case of emergency.

Remember, the *QUID NOVI* is only as interesting as you make it. Feel free to let yourself go.



## How I Spent My Summer Vacation

By Randy Hahn LLB III

### May

I am summoned to the Dean's office. The Dean seeks my advice about courses to be offered during the 1993-94 academic year. He announces that McGill Law School will no longer feel obliged to cater to the whims of careerist students who are only interested in satisfying the perceived needs of law firms whose only purpose is to make as much money as possible. I am told that a wholesale restructuring of the syllabus will result in the law school no longer offering the following courses: Contracts, Remedies, Property, Common Law Evidence, and Securities Regulation. In their place the following courses will be available: The Law of Chronic Fatigue Syndrome, The Law of Comparative Religions, Theoretical Approaches to Theories of Justice, and six different courses in environmental law. "This law school is a part of the world of ideas", proclaims the Dean, "and our syllabus should reflect that". I assure the Dean that his approach is absolutely inspiring, but that he may be trying to do too much too soon. After much discussion he agrees to offer Contracts and property for at least one more year.

As I prepare to leave the Dean's office, some long-haired geek claiming to be President of the Law Students Association barges in demanding an audience with the Dean. I ask the Dean whether I should call security, but he

assures me he can handle the matter on his own.

### June

Off I go to the Progressive Conservative leadership convention. While roaming the back hallways of the convention centre where I hope to ingratiate myself to the nation's movers and shakers, I notice a door with a sign on it saying "Leadership Candidates Only". I decide to investigate further and go in only to discover those two notorious potheads Kim Campbell and Jean Charest sharing a marijuana cigarette. They invite me to take a puff of their "joint", but I firmly decline. Smoking marijuana is against the law, and the law must be respected. I am deeply disappointed that such aspirants to leadership betray such poor judgement and lack of good character.

Later that evening I join a group of Young Conservatives going out on a pub crawl. We get blind drunk. It is great fun.

### July

The postman arrives with a parcel from McGill Law School which includes a breakdown of marks for courses from last semester. I notice that of the exam courses (not counting Securities Regulations which had a small number of students) the highest GPA was in Banking and Negotiable Instruments taught by Professor Stephen Scott. This is scandalous.

Professor Scott's apparently cavalier attitude in awarding such high marks in fact casts doubt on the whole grading system and threatens to diminish the fine reputation of the law school. Professor Scott's colleagues should do everything they can to dissuade him from awarding such high marks which are clearly undeserved. This problem must be nipped in the bud.

### August

I receive a call from my good friend Catherine McKinnon, the noted legal scholar. It was she, of course, who made the profound and astute observation that "the wrong of rape has proven so difficult to articulate because the unquestionable starting point has been that rape is definable as distinct from intercourse, when for women it is difficult to distinguish them under conditions of male domination" (see Stuart and Deslile, *Learning Canadian Criminal Law*). She is in San Francisco where her present beau, Jeffrey Mason, is suing the *New Yorker* magazine for libel because of an unflattering portrait of him. Mason evidently recounted with glee how he has slept with over one thousand women. McKinnon is distressed and is uncertain of what to do. I tell her to ditch this Mason character. Clearly the man is a cad. Kitty deserves better.

AUSTRALIAN UPDATES

For any of you wishing to keep in touch with Anna and Jo, the Australian exchange students from last year, they can be reached at the following E-mail address:

A Golovsky @ UNSW.EDU.AU  
They would love to hear from you!